IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

OP.No. 13189 of 2003(S)

OA.522/2002 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
dated 18/12/2002
.....

PETITIONER:
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1. **THE ADMINISTRATOR,**
   UNION TERRITORY OF LAKSHADWEEP, KAVARATTI.

2. **THE SUPERINTENDING ENGINEER,**
   LAKSHADWEEP PUBLIC WORKS DEPARTMENT,
   UNION TERRITORY OF LAKSHADWEEP, KAVARATTI.

BY ADV. SRI.S.RADHAKRISHNAN

RESPONDENT:

M.K.CHERIYA KOYA,
FERRO PRINTER, LAKSHADWEEP PUBLIC WORKS DEPARTMENT
CIRCLE OFFICE, KAVARATTI.

BY ADV. SRI.P.V.MOHANAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.13189/2003 S

ORDER ON C.M.P.NO.22289/2003 IN O.P.NO.13189/2003 S

DISMISSED

6/03/2007 **SD/- J.B.KOSHY, JUDGE**

SD/- T.R.RAMACHANDRAN NAIR,JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE ORIGINAL APPLICATION NO.522 OF 2002 ALONG WITH ITS ANNEXURES FILED BY THE RESPONDENT BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL.**

EXT.P2: **COPY OF THE REPLY STATEMENT ALONG WITH THE ANNEXURE FILED BY THE PETITIONERS BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL IN O.A.522 OF 2002.**

EXT.P3: **COPY OF THE ORDER OF THE CENTRAL ADMINISTRATIVE TRIBUNAL IN O.A.NO.522 OF 2002 DTD. 18/12/02.**

/TRUE COPY/

KSS

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

O.P.No.13189 OF 2003

Dated 6th March, 2007

JUDGMENT

Koshy,J.

Petitioners are challenging the order of the Central Administrative Tribunal in directing to consider the respondent's representation. It is the respondent's case that he was not considered in the promotion quota for the post of Draftsman Grade III. The respondent is a scheduled tribe candidate and the application was invited by the Lakshadweep authority from the candidates who are residents of Lakshadweep. Educational qualifications were prescribed as follows:

"Educational and other qualifications required for direct recruits	(i) Matriculation or equivalent (ii) At least two years Training/study in the line of building construction, OR Two years course in Draftsman (Civil) trade from a recognised III, OR Two years course in the trade of Surveyor from a recognised ITI."

It shows that passing of trade test is not made compulsory. Minimum qualification is at least two years study in the line of building construction or two years course in Draftsman or

two years course in the trade of Surveyor from a recognised ITI. Passing of the trade test is not made compulsory. Respondent produced a certificate from the Industrial Training Institute, Kalamassery, Alwaye that he was a trainee of the institute in the trade of Draughtsman Civil for the session August, 1986 to July 1988 and he has completed the course. The above certificate also states that he has appeared for the Trade Test but failed. Here, passing of Trade Test is not mentioned as a qualification. If the Board recommended that passing of Trade Test is necessary, it should have been incorporated in the rules. It was the contention of the respondent that availability of the candidates also will be much less in Lakshadweep. We agree with the interpretation given by the Central Administrative Tribunal. Passing of Trade Test is not made compulsory at all, but, the candidate should have undergone two years' training course of Draftsman (Civil) trade from a recognised ITI. That was satisfied by the respondent. No others have challenged the test. So question of considering others will not arise. In future vacancies, it is for the administration to correct the rules, if it so desires. But, the interpretation given as per the existing rules cannot be faulted. Therefore, we see no ground to

interfere in the order of the Central Administrative Tribunal in a petition under Article 227 of the Constitution of India.

The original petition is dismissed.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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